

रजिस्ट्रेशन नं० पी०/एस०एम० 14.



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शनिवार, 6 जुलाई, 1985/15 भाषाढ़, 1907

हिमाचल प्रदेश सरकार

HIMACHAL PRADESH VIDHAN SABHA SECRETARIAT

NOTIFICATIONS

Shimla-4, the 4th July, 1985

No. 1-48/85-VS.—In pursuance to rule 135 of the Rules of Procedure and Conduct of Business of the Himachal Pradesh Legislative Assembly 1973. The Himachal Pradesh General

Clauses (Third Amendment) Bill, 1985 (Bill No. 5 of 1985) having been introduced on the 4th July, 1985, in the Himachal Pradesh Vidhan Sabha, is hereby published in the Gazette.

V. VERMA,
Secretary.

Bill No. 5 of 1985.

THE HIMACHAL PRADESH GENERAL CLAUSES (THIRD AMENDMENT) BILL, 1985

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A

BILL

further to amend the Himachal Pradesh General Clauses Act, 1968 (Act No. 16 of 1969).

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Thirty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Himachal Pradesh General Clauses (Third Amendment) Act, 1985.

Short title and commencement.

(2) It shall come into force at once.

16 of 1969 2. After existing section 22 of the Himachal Pradesh General Clauses Act, 1968, the following new section 22-A, along with its heading, shall be inserted, namely:—

Insertion of section 22-A.

"22-A. Rules to be laid before the State Legislative Assembly.—(1)

Every rule made under any Himachal Pradesh Act by the Government of Himachal Pradesh on or after the commencement of the Himachal Pradesh General Clauses (Third Amendment) Act, 1985, shall be laid, as soon as may be after it is made, before the State Legislative Assembly, while it is in session, for a total period of ten days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the successive sessions aforesaid, the Legislative Assembly agrees in making any modification in the rule or agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(2) Where any Central Act, in force in or applicable to the State of Himachal Pradesh and relating to the matters with respect to which the State Legislature has power to make laws for the State of Himachal Pradesh, confers power on the State Government to make rules thereunder, then subject to any express provisions to the contrary in such Act, the provisions of sub-section (1) shall *mutatis mutandis* apply to the rules made by the State Government in exercise of that power."

STATEMENT OF OBJECTS AND REASONS

Under the democratic set up the Legislature exercises control over subordinate legislation. The subordinate legislation is made by the executive under the authority derived from the enactment passed by the Legislature. The Legislature has the legitimate right to make modification or to annul any rule made by the exercise of the subordinate legislative authority and to ensure that the authority to make the subordinate legislation is exercised by the executive without transgressing the limits set by the Legislature. For this purpose, a provision is inserted in every enactment, for laying the rules framed thereunder, before the Legislature. But it has been noted by the Committee on Subordinate Legislation of the Himachal Pradesh Vidhan Sabha that in making provisions for laying of the statutory rules before the Legislative Assembly no uniform pattern is followed. Apart from this Vidhan Sabha Secretariat has also requested the State Government to make suitable amendment in the Himachal Pradesh General Clauses Act, 1968, so that the rules framed by the State Government in exercise of the power delegated under the Central Acts, past and future, dealing with the matters enumerated in the concurrent list of the Seventh Schedule to the Constitution are laid on the Table of the House and scrutinised by the State Legislature. Thus in order to ensure that there exist uniform provisions in relation to the laying of the rules and the rules framed by the State Government, in exercise of the delegated authority, whether under the State Act or the Central Act, are laid on the table of the State Legislature, it has become necessary to incorporate the said provisions in the Himachal Pradesh General Clauses Act, 1968.

The Bill seeks to achieve the aforesaid objectives.

SHIMLA :
The 4th July, 1985.

RAM LAL THAKUR,
Minister-in-charge.

FINANCIAL MEMORANDUM

Nil

MEMORANDUM REGARDING DELEGATED LEGISLATION

Nil

Shimla-4, the 4th July, 1985

No. 1-49/85-VS.—In pursuance to rule 135 of the Rules of Procedure and Conduct of Business of the Himachal Pradesh Legislative Assembly 1973. The Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) (Amendment) Bill, 1985 (Bill No. 6 of 1985) having been introduced on the 4th July, 1985, in the Himachal Pradesh Vidhan Sabha, is hereby published in the Gazette.

V. VERMA,
Secretary.

Bill No. 6 of 1985.

THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY (ALLOWANCES AND PENSION OF MEMBERS) (AMENDMENT) BILL, 1985.

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A

BILL

further to amend the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 (Act No. 8 of 1971).

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Thirty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) (Amendment) Act, 1985.

Short title and commencement.

(2) It shall be deemed to have come into force with effect from the 1st day of October, 1984.

2. In section 2 of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 (hereinafter called the principal Act),—

Amendment of section 2.

(a) The word “and” occurring at the end of clause (f) shall be omitted; and

(b) for the sign “.” occurring at the end of clause (g), the sign and word “; and” shall be substituted and thereafter the following new clause (h) shall be added, namely:—

“(h) ‘Governor’ means the Governor of Himachal Pradesh.”

3. The existing section 4-D of the principal Act, shall be re-numbered as sub-section (1) and thereafter the following new sub-section (2) shall be added, namely:—

Amendment of section 4-D.

“(2) Where a member having obtained house building advance for the construction of a house or for the purchase of a built-up house under sub-section (1) dies during his term as such member and the Governor is satisfied that the pecuniary condition of the family of the deceased is such that the amount advanced cannot be repaid by the family of the deceased, the amount of such advance or any part thereof which would have accrued after the date of his death in accordance with the terms and condition of the grant of the advance along with interest thereon may be written off with the sanction of the Governor.”

STATEMENT OF OBJECTS AND REASONS

Under section 4-D of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971, the members of the State Legislative Assembly are eligible to avail themselves the facility of repayable loan for the purchase of a built-up house or for the construction of a house. Instances have come to the notice of the State Government where some members availed themselves of this facility but before the repayment of such loan died and the financial condition of the said bereaved families was such that the loan could not be repaid by them. In order to mitigate the financial hardship to the bereaved families of the deceased MLAs, the State Government have decided to make necessary amendments in the aforesaid Act, on the pattern of the analogous concessions given to the Government employees.

This Bill seeks to achieve the aforesaid objective.

SHIMLA :
The 4th July, 1985

VIRBHADRA SINGH,
Chief Minister.

FINANCIAL MEMORANDUM

Section 4-D of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 (Act No. 8 of 1971), *inter alia* provides that there may be paid to a member by way of repayable house building advance, such sum of money and subject to such conditions, as may be determined by rules for the construction of a house or for the purchase of a built-up house. The proposed benefit of writing off the loan in the case of the demise of the sitting member during his tenure as a member of the Himachal Pradesh Vidhan Sabha involves an expenditure from the ex-chequer of the State, which cannot be anticipated.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Nil

RECOMMENDATIONS OF THE GOVERNOR UNDER ARTICLE 207 OF THE CONSTITUTION OF INDIA

[General Administration Department File No. GAD (PA) 4 (D) 57/84]

The Governor of Himachal Pradesh, having been informed of the subject matter of the Himachal Pradesh Legislative Assembly (Allowances and Pensions of Members) (Amendment) Bill, 1985 recommends, under Article 207 of the Constitution of India, the introduction and consideration of the Bill in the Legislative Assembly.

शिमला-4, 4 जुलाई, 1985

संख्या 1-44/85-वि०स०.—हिमाचल प्रदेश विधान सभा प्रक्रिया एवं कार्य-संचालन नियमावली, 1971 के नियम 135 के अन्तर्गत, हिमाचल प्रदेश (खुले स्थान विद्रुपिता निवारण) विधेयक, 1985 (1985 का विधेयक संख्यांक 7) जो दिनांक 4 जुलाई, 1985 को हिमाचल प्रदेश विधान सभा में पुरःस्थापित हो गया है, स साधारण की सूचनाएं राजपत्र में मद्रित करने हेतु प्रेषित किया जाता है।

विश्वेश्वर वरुण
सचिव

1985 का विधेयक संख्यांक 7.

हिमाचल प्रदेश खुले स्थान (विद्रुपिता निवारण) विधेयक, 1985

(विधान सभा में यथा पुरःस्थापित)

हिमाचल प्रदेश राज्य में जनता को दृष्टिगोचर स्थानों की, विज्ञापनों द्वारा विद्रुपिता निवारण और उससे सम्बद्ध या आनुसंगिक मामलों के लिए—

विधेयक

भारत गणराज्य के छत्तीसवें वर्ष में हिमाचल प्रदेश विधान सभा द्वारा निम्नलिखित रूप में यह अधिनियमित हो :—

1. (1) इस अधिनियम का संक्षिप्त नाम हिमाचल प्रदेश खुले स्थान (विद्रुपिता निवारण) अधिनियम, 1985 है।

संक्षिप्त नाम
विस्तार और
प्रारम्भ।

(2) इसका विस्तार सम्पूर्ण हिमाचल प्रदेश पर है।

(3) यह हिमाचल प्रदेश नगर निगम अधिनियम, 1979 के अधीन गठित नगर निगम शिमला में समाविष्ट क्षेत्रों में तुरन्त प्रवृत्त होगा और राज्य के शेष भागों में ऐसी तारीख से प्रवृत्त होगा जिसे राज्य सरकार अधिसूचना द्वारा नियत करे और विभिन्न क्षेत्रों के लिए विभिन्न तारीखें नियत की जा सकेंगी।

2. इस अधिनियम में, जब तक कि सन्दर्भ से अन्यथा अपेक्षित न हो :—

परिभाषाएं।

(क) “विज्ञापन” से अभिप्रेत है कोई मुद्रित, साइक्लोस्टाइल की गई, टंकित या लिखित सूचना, दस्तावेज, कागज पत्र या ऐसी चीज जिसमें कोई पत्र, शब्द, चित्र, संकेत या दृश्य रूपण हो, अन्तर्विष्ट हो;

(ख) “जनता को दृष्टिगोचर स्थान” के अन्तर्गत कोई प्राइवेट स्थान या भवन, स्मारक, मूर्ति, खंभा, दीवार, बाड़, वृक्ष या युक्ति है जो किसी सार्वजनिक स्थान में, या उससे होकर गुजरने वाले किसी व्यक्ति को दिखाई देता हो;

(ग) “सार्वजनिक स्थान” से अभिप्रेत है ऐसा कोई स्थान (जिसके अन्तर्गत सड़क, मार्ग, रास्ता चाहे वह सार्वजनिक हो या न हो) जहां जनता की पहुँच है और उसे रहने का अधिकार है या जिस पर उसे चलने का अधिकार है।

3. जो कोई, स्वयं या किसी अन्य व्यक्ति के माध्यम से जनता को दृष्टिगोचर किसी स्थान पर ऐसे स्थानीय प्राधिकारी की अनुज्ञा के बिना, जिसकी ऐसे क्षेत्र में अधिकारिता हो, कोई विज्ञापन चिपकायेगा, परिनिर्मित करेगा, अन्तर्लिखित करेगा या प्रदर्शित करेगा, वह दोनों में से किसी भी प्रकार के कारावास से, जिसकी अवधि छः मास तक की हो सकेगी या जुर्माने से, जो एक हजार रुपये तक का हो सकेगा या दोनों से दण्डित किया जाएगा: विज्ञापनों द्वारा अनधिकृत विद्रुपिता के लिए शास्ति।

परन्तु इस धारा की कोई बात किसी ऐसे विज्ञापन पर लागू नहीं होगी जो—

- (i) किसी भवन की खिड़की के भीतर प्रदर्शित किया जाता है यदि उस विज्ञापन का सम्बन्ध उस भवन में चलाए गये व्यापार, व्यवसाय या कारबार से है ; या
- (ii) उस भूमि या भवन के भीतर जिस पर ऐसा विज्ञापन प्रदर्शित किया गया है, चलाए गए किसी व्यापार, व्यवसाय या कारबार से या ऐसी भूमि या भवन के उसमें की किसी चीज, वस्तु के विक्रय या किराये पर देने से, या उस पर या उसमें किये गये किसी विक्रय, मनोरंजन या बैठक से सम्बन्धित है ; या
- (iii) उस भूमि या भवन के जिस पर या जिसमें विज्ञापन प्रदर्शित किया जाता है, नाम से या ऐसी भूमि या भवन के स्वामी या अधिभोगी के नाम से सम्बन्धित है ; या
- (iv) रेल प्रशासन से सम्बन्धित है और किसी रेल स्टेशन के भीतर या रेल की किसी दीवार या अन्य सम्पत्ति पर प्रदर्शित किया जाता है ।

कतिपय मामलों में सबूत का भार ।

4. जहाँ किसी व्यक्ति को धारा 3 के अधीन अपराध करने के लिए अभियोजित किया जाता है वहाँ यह साबित करने का भार उस पर होगा कि उस धारा में निर्दिष्ट लिखित अनुज्ञा उसके पास थी ।

दुष्प्रेरकों के लिए दण्ड ।

5. जो कोई किसी भी रीति से धारा 3 के अधीन कोई अपराध करता है, या उपाप्त करता है या उसके लिए परामर्श देता है, सहायता करता है या दुष्प्रेरित करता है या उस का उपसाधन बनता है, वह दोष सिद्धि पर अपराध के लिए उपबन्धित दण्ड से दण्डित किया जाएगा ।

कम्पनियों द्वारा अपराध ।

6. (1) जहाँ इस अधिनियम के अधीन दण्डनीय कोई अपराध करने वाला कोई व्यक्ति कम्पनी है वहाँ प्रत्येक ऐसा व्यक्ति जो उस अपराध के किये जाने के समय, उस कम्पनी के कारबार के संचालन के लिए उस कम्पनी का भारसाधक और उसके प्रति उत्तरदायी था, अपराध के लिए दोषी समझा जाएगा और तदनुसार अपने विरुद्ध कार्यवाही किये जाने और दण्डित किये जाने का भागी होगा :

परन्तु इस उप-धारा की कोई बात, ऐसे व्यक्ति को इस अधिनियम में उपबन्धित किसी दण्ड का भागी नहीं बनाएगी जो यह साबित कर देता है कि अपराध उसकी जानकारी के बिना किया गया था और उसने ऐसे अपराध के निवारण के लिए सब सम्मूह तत्परता बरती थी ।

(2) उप-धारा (1) में किसी बात के होते हुए भी जहाँ इस अधिनियम के अधीन अपराध कम्पनी द्वारा किया गया है और यह साबित कर दिया जाता है कि वह अपराध कम्पनी के किसी निदेशक, प्रबन्धक, सचिव या अन्य अधिकारी की सहमति या मोनानुकूलता से किया गया है या उस अपराध का किया जाना उसकी ओर उपेक्षा के कारण हुआ माना जा सकता है वहाँ ऐसा निदेशक, प्रबन्धक, सचिव या अन्य अधिकारी भी उस अपराध के लिए दोषी समझा जाएगा और तदनुसार अपने विरुद्ध कार्यवाही किये जाने और दण्ड किये जाने का भागी होगा ।

स्पष्टीकरण:—इस धारा के प्रयोजन के लिए.—

- (क) "कम्पनी" से कोई निगमित निकाय अभिप्रेत है और इसके अन्तर्गत फर्म या व्यष्टियों का अन्य संगम भी है; और
(ख) फर्म के सम्बन्ध में "निदेशक" से उस फर्म का भागीदार अभिप्रेत है।

7. इस अधिनियम के अधीन सद्भावपूर्वक की गई या किये जाने के लिए आशियत किसी बात के लिए कोई वाद, अभियोजन या अन्य विधिक कार्यवाही राज्य सरकार, किसी स्थानीय प्राधिकारी या व्यक्ति के विरुद्ध न होगी।

सद्भाव पूर्वक की गई कारवाइयों के लिये संरक्षण।

8. दण्ड प्रक्रिया संहिता, 1973 में किसी बात के होते हुए भी इस अधिनियम के अधीन दण्डनीय कोई अपराध उस संहिता के अर्थात्तर्गत संज्ञेय अपराध समझा जाएगा।

अपराधों का संज्ञान।

9. इस अधिनियम के उपबन्ध, तत्समय प्रवृत्त किसी अन्य विधि के उपबन्धों के अतिरिक्त हैं और उनके अल्पीकरण में नहीं हैं।

अन्य विधियों का प्रभावित न होना।

10. (1) राज्य सरकार इस अधिनियम के उपबन्धों को कार्यान्वित करने के प्रयोजन के लिए नियम बना सकेगी।

नियम बनाने की शक्ति।

(2) राज्य सरकार द्वारा इस अधिनियम के अधीन बनाया गया प्रत्येक नियम, बनाये जाने के पश्चात् यथाशक्य शीघ्र, राज्य विधान सभा के समक्ष, जब वह सत्र में हो, कुल चौदह दिन की अवधि के लिए रखा जाएगा। यह अवधि एक सत्र में या दो या अधिक आनुक्रमिक सत्रों में पूरी हो सकेगी। यदि उस सत्र के जिसमें उसे इस प्रकार रखा गया है या उपर्युक्त आनुक्रमिक सत्रों के अवसान के पूर्व, राज्य विधान सभा उस नियम में कोई परिवर्तन करने के लिए सहमत हो जाए तो तत्पश्चात् वह उस परिवर्तित रूप में ही प्रभावी होगा, यदि उक्त अवसान के पूर्व राज्य विधान सभा सहमत हो जाए कि वह नियम नहीं बनाया जाना चाहिये तो तत्पश्चात् वह नियम निष्प्रभाव हो जाएगा किन्तु नियम के ऐसे परिवर्तित या निष्प्रभाव होने से उसके अधीन पहले की गई किसी बात की विधिमान्यता पर प्रतिकूल प्रभाव नहीं पड़ेगा।

उद्देश्यों और कार्यों का कथन

आधुनिक वैज्ञानिक युग में व्यवसायियों और व्यष्टियों द्वारा, अपने द्वारा उत्पादित माल के व्ययन के लिए या उनके द्वारा की जाने वाली सेवाओं के संचार को सुनिश्चित करने के लिए या चुनाव के दौरान लोकप्रियता या सफलता प्राप्त करने के लिए प्रचार की विभिन्न तकनीकें अपनायी जा रही हैं। यह देखा गया है कि विशेष-तौर पर चुनाव प्रचार के दौरान अभ्यर्थी, प्राइवेट या सरकारी भवनों की दीवारों को भारी पैमाने पर विद्रुपित करते हैं जिसके फलस्वरूप नगर भद्दे दिखाई देने लगते हैं। इन भवनों के स्वामियों को या तो यह कुदृश्य विवशता से सहन करना पड़ता है या उन्हें अपने खर्चे पर दीवारों की चूनाकली या रंगाई करानी पड़ती है। यह प्रत्याशा नहीं की जाती है कि सरकार ऐसे अवांछनीय कृतों का मूक दर्शक बनी रहे। अतः पूर्वोक्त संकट की प्रभावकारी रूप से रोकथाम करने के लिए यह आवश्यक हो गया है कि अपराधियों के लिए भयोपरत दण्ड का उपबन्ध किया जाए।

विधेयक उक्त उद्देश्य की पूर्ति के लिए है।

राम लाल ठाकुर,
प्रभारी मंत्री।

शिमला

जुलाई 4, 1985.

वित्तीय ज्ञापन

प्रस्तावित विधेयक के उपबन्धों को, विद्यमान सरकारी संयन्त्र द्वारा प्रवृत्त किया जाना है अतः प्रस्तावित उपबन्धों को कार्यान्वित करने के लिए राजकोष से कोई अतिरिक्त व्यय उपगत किए जाने की सम्भावना नहीं है।

प्रत्यायोजित विधान सम्बन्धी ज्ञापन

विधेयक का खण्ड 10 राज्य सरकार को प्रस्तावित विधान के उपबन्धों को कार्यान्वित करने के प्रयोजन के लिए, नियम बनाने के लिए सशक्त करता है।

प्रत्यायोजन अनिवार्य और सामान्य है।

V. VERMA,
Secretary.

Bill No. 7 of 1985.

THE HIMACHAL PRADESH OPEN PLACES (PREVENTION OF DISFIGUREMENT) BILL, 1985

(As INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A

BILL

to prevent disfigurement, by unauthorised advertisement, of places open to public view in the State of Himachal Pradesh, and for matters connected therewith or incidental thereto.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Thirty-sixth Year of the Republic of India, as follows:—

1. (1) This Act may be called the Himachal Pradesh Open Places (Prevention of Disfigurement) Act, 1985.

Short title, extent and commencement.

(2) It extends to the whole of Himachal Pradesh.

(3) It shall come into force in the areas comprised in the Municipal Corporation of Shimla, constituted under the Himachal Pradesh Municipal Corporation Act, 1979 at once and shall come into force in the remaining part of the State on such date as the State Government may, by notification appoint and different dates may be appointed for different areas.

2. In this Act, unless the context otherwise requires,—

Definitions.

- (a) "advertisement" means any printed, cyclostyled, typed or written notice, document, paper or any other thing containing any letter, word, picture, sign or visible representation;
- (b) "places open to public view" include any private place or building, monument, statue, post, wall, fence, tree or contrivance visible to a person being in, or passing along any public place;
- (c) "public place" means any place (including a road, street or way, whether a thoroughfare or not and landing place) to which the public are granted access or have a right to resort or over which they have a right to pass.

3. Whoever, by himself or through another person, affixes to or erects, inscribes or exhibits on, any place open to public view any advertisement without the written permission of the local authority having jurisdiction over such areas, shall be punished with imprisonment of either description for a term which may extend to six months or with fine which may, extend to one thousand rupees, or with both:

Penalty for unauthorised disfigurement by advertisement.

Provided that nothing in this section shall apply to any advertisement which—

- (i) is exhibited within the window of any building if the advertisement relates to the trade, profession or business carried on in

that building; or

- (ii) relates to the trade, profession or business carried on within the land or building upon or over which such advertisement is exhibited or to any sale or letting of such land or building or any effects therein or to any sale, entertainment or meeting to be held on or upon or in the same; or
- (iii) relates to the name of the land or building, upon or over which the advertisement is exhibited or to name of the owner or occupier of such land or building; or
- (iv) relates to the business of a railway administration and exhibited within any railway station or upon any wall or other property of a railway administration.

Burden of proof in certain cases.

4. Where a person is prosecuted for committing an offence under section 3, the burden of proving that he has the written permission referred to in that section shall be on him.

Punishment for abettors.

5. Whoever in any manner whatsoever causes, procures, counsels, aids, abets or is accessory to, the commission of any offence under section 3 shall on conviction be punished with the punishment provided for the offence.

Offences by companies.

6. (1) If the person committing any offence punishable under this Act is a company, every person who, at the time of the commission of the offence was in charge of, and responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any gross negligence on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purpose of this section—

- (a) 'company' means any body corporate and includes a firm or other association of individuals; and
- (b) 'director' in relation to a firm means a partner in the firm.

Protection of action taken in good faith.

7. No suit, prosecution or other legal proceeding shall lie against the State Government, any local authority or person for anything which is in good faith done or intended to be done under this Act.

Cognizance of offences.

8. Notwithstanding anything contained in the Code of Criminal Procedure, 1973 any offence punishable under this Act shall be deemed to be a cognizable offence within the meaning of that code.

9. The provisions of this Act are in addition to, and not in derogation of, the provisions of any other law for the time being in force. Other laws, not affected

10. (1) The State Government may make rules for the purpose of carrying out the provisions of this Act. Power to make rules.

(2) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislative Assembly, while it is in session for a total period of fourteen days which may comprise in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the successive sessions aforesaid, the House agrees in making any modification in the rule or House agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or committed to be done under that rule.

STATEMENT OF OBJECTS AND REASONS

In the modern scientific age, various propaganda techniques are being employed by the business houses and individuals to better the prospects of the disposal of goods being produced by them, or to ensure the easy flow of services being rendered by them, or to gain popularity or to better prospects of success during election campaigns etc. It has been observed that especially at the time of electioneering campaigns, candidates indulge in defacement of walls of private and public buildings, on large scale giving the towns an ugly look. The helpless owners of the buildings are compelled either to tolerate this eyesore or have to white wash/repaint the walls at their own cost. It cannot be expected that the Government should be a silent spectator to such undesirable acts.

Thus to effectively curb the menace referred to above, it is necessary to provide deterrent punishments to the offenders.

This Bill seeks to achieve the aforesaid objective.

RAM LAL THAKUR,
Minister-in-charge.

SHIMLA :
The 4th July, 1985

FINANCIAL MEMORANDUM

The provisions of the proposed Bill are to be enforced through the existing Government machinery and hence for the implementation of the proposed provisions, no additional expenditure out of the State exchequer is likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Government to make rules for the purpose of carrying out the provisions of the proposed legislation. The rules so framed are to be laid before the State Legislative Assembly. This delegation is essential and normal in character.

Shimla-4, the 4th July, 1985

No. 1-53/85-VS.—In pursuance to rule 135 of the Rules of Procedure and Conduct of Business of the Himachal Pradesh Legislative Assembly 1973. The Himachal Pradesh Motor Spirit (Taxation of Sales) (Amendment) Bill, 1985 (Bill No. 8 of 1985) having been introduced on the 4th July, 1985, in the Himachal Pradesh Vidhan Sabha, is hereby published in the Gazette.

V. VERMA,
Secretary.

Bill No. 8 of 1985.

THE HIMACHAL PRADESH MOTOR SPIRIT (TAXATION OF SALES) (AMENDMENT) BILL, 1985

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A

BILL

further to amend the Himachal Pradesh Motor Spirit (Taxation of Sales) Act, 1968 (Act No. 10 of 1968).

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Thirty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Himachal Pradesh Motor Spirit (Taxation of Sales) (Amendment) Act, 1985.

Short title
and comm-
encement.

(2) It shall come into force at once.

2. For the existing words "three and a half paise in a rupee" occurring in sub-section (1) of section 3 of the Himachal Pradesh Motor Spirit (Taxation of Sales) Act, 1968, the words "five paise in a rupee" shall be substituted.

Amendment
of section 3.

STATEMENT OF OBJECTS AND REASONS

In order to mobilise the resources, the rate of tax on the sale of motor spirit is proposed to be increased from three and a half paise in a rupee to five paise in a rupee by making the amendment in sub-section (1) of section 3 of the Himachal Pradesh Motor Spirit (Taxation of Sales) Act, 1968. The proposed amendment is likely to yield an additional income of Rs. 15 lacs. This enactment will also simplify the accounting procedure.

This Bill seeks to achieve the above objective.

RAJ KRISHAN GAUR,
Minister-in-charge.

SHIMLA :

The 4th July, 1985.

FINANCIAL MEMORANDUM

The proposed Bill when enacted will yield an income of Rs. 15 lacs per annum without involving any extra expenditure.

MEMORANDUM ON DELEGATED LEGISLATION

Nil

RECOMMENDATIONS OF THE GOVERNOR UNDER ARTICLE 207 OF THE CONSTITUTION OF INDIA

[File No. EXN-F (10)-4/79-Vol-II. Excise and Taxation Department]

The Governor of Himachal Pradesh, after having been informed of the subject matter of the Himachal Pradesh Motor Spirit (Taxation of Sales) (Amendment) Bill, 1985, recommends under Article 207 of the Constitution of India, the introduction and consideration of the Bill in the Legislative Assembly.

Shimla-4, the 4th July, 1985

No. 1-54/85-VS.—In pursuance to rule 135 of the Rules of Procedure and Conduct of Business of the Himachal Pradesh Legislative Assembly 1973. The Himachal Pradesh Passengers and Goods Taxation (Amendment) Bill, 1985 (Bill No. 9 of 1985) having been introduced on the 4th July, 1985, in the Himachal Pradesh Vidhan Sabha, is hereby published in the Gazette.

V. VERMA,
Secretary.

Bill No. 9 of 1985..

**THE HIMACHAL PRADESH PASSENGERS AND GOODS
TAXATION (AMENDMENT) BILL, 1985**

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A

BILL

further to amend the Himachal Pradesh Passengers and Goods Taxation Act, 1955 (Act No. 15 of 1955).

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Thirty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Himachal Pradesh Passengers and Goods Taxation (Amendment) Act, 1985.

Short title
and com-
mencemen.t

(2) It shall be deemed to have come into force on the 14th day of November, 1977.

15 of 1955 2. In section 3-A of the Himachal Pradesh Passengers and Goods Taxation Act, 1955,—

Amendment
of section
3-A.

(a) for the words “insurance of the passenger”, the words “payment of *ex-gratia* grant to a passenger” shall be substituted; and

(b) for the sign “.”, the sign “:” shall be substituted and thereafter the following proviso shall be inserted, namely:—

“Provided that such scheme may be framed by the State Government with retrospective effect from which the surcharge was levied.

STATEMENT OF OBJECTS AND REASONS

The provisions of the "Insurance of a passenger" was introduced by adding section 3-A to the Himachal Pradesh Passengers and Goods Taxation Act, 1955 (Act No. 15 of 1955) by Ordinance No. 6 of 1977 which was subsequently replaced by Act No. 1 of 1978. In order to run the "Passengers Insurance Scheme" the State Government was required to obtain the permission from the Government of India under the Insurance Act, 1938, which escaped the notice of the Government. To meet this implication and consequential eventualities the words "insurance of the passenger" have been substituted by the words "payment of *ex-gratia* grant to a passenger" in section 3-A of the principal Act and a proviso has been added below section *ibid* to empower the State Government to amend the nomenclature of the scheme with retrospective effect.

This Bill seeks to achieve above objectives.

SHIMLA :
The 4th July, 1985.

RAJ KRISHAN GAUR,
Minister-in-charge.

FINANCIAL MEMORANDUM

Nil

MEMORANDUM REGARDING DELEGATED LEGISLATION

Nil